

SENATE BILL 1763
By Person, Curtis

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 3, Part 6, relative to orders of protection
and violations thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-612, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person who knowingly violates an order of protection issued pursuant to this part or a restraining order issued to a party who is a victim as defined in § 36-3-601(8) commits the offense of domestic violence.

(b) A person who is arrested for domestic violence shall be considered within the provisions of § 40-11-150(a) and subject to the twelve (12) hour hold period authorized by § 40-11-150(h).

(c) At the time the issue of bond is being determined, the magistrate shall notify or cause to be notified the victim of the domestic violence that the defendant has been arrested.

(d) Even if the defendant is arrested for a violation of this section, any order of protection the victim has against such defendant shall remain in full force and effect.

(e) Domestic violence is a Class C misdemeanor.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.